

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Newport News Division

UNITED STATES OF AMERICA

v.

ACTION NO. 4:06cr8

ANDRE MONTEZ WHITEHEAD,

Defendant.

O R D E R

_____In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. The Court concludes that the following facts require the detention of the defendant pending trial in this case.

The Court FINDS that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that the defendant is a life long resident of the Newport News area. The defendant's mother, brother, wife and child live in the area. The defendant's father-in-law and brother offered to act as third party custodians and appear to be proper persons for that position. The defendant had been employed with a temporary labor service. He has no assets and no liabilities.

The defendant's criminal record compels detention. In 1998 he was convicted of grand larceny and received a suspended sentence. This suspended sentence was revoked in 1999 and largely suspended

again and revoked again in 2001. The defendant's next felony conviction was for possession of controlled drugs in 2001. The defendant was convicted of evading police in 1997, contempt of court twice in 1999, and failure to appear in 2003. All of these offenses indicate a risk of flight. He also has been convicted of 13 other misdemeanors since 1998.

The court finds that the defendant's criminal history, and his conduct while on supervision proves that he is a flight risk and a danger to the community.

The Court FINDS that because of the substantial possible penalties that this defendant faces in this case, and the strength of the evidence against him, that there is a strong likelihood that the defendant will not appear for trial under any conditions of release. There is a serious risk that the defendant will not appear. There is a serious risk that the defendant will endanger the safety of another person or the community.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections

facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

The Clerk shall mail or deliver a copy of this Order to the United States Attorney at Norfolk, to the United States Marshal at Norfolk, to the United States Pretrial Services Office at Norfolk, and to counsel of record for the defendant.

/s/
Tommy E. Miller
UNITED STATES MAGISTRATE JUDGE

Norfolk, Virginia

January 27, 2006